

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:01-cr-00002-FDW

UNITED STATES OF AMERICA,)
)
)
vs.)
)
)
(4) ALLEN DWAYNE BERRY,) ORDER
)
)
Defendant.)
)

THIS MATTER is before the Court on Defendant's pro se Motion to Appoint Counsel and Motion for Compassionate Release (Doc. No. 229). Also before the Court is Defendant's pro se Motion to Delay Payment of Restitution (Doc. No. 227).

The Court hereby ORDERS the Government to respond to Defendant's motions. The Government shall have **thirty (30) days** from the date of this Order to file its response with the Court. The Government shall advise the United States Probation Office if the Government believes a supplemental Presentence Investigation Report will be required.

With respect to the Motion to Appoint Counsel, criminal defendants do not have a right to counsel beyond their first appeal. E.g., United States v. Kenny, No. 3:01-cr-00185-FDW, 2020 WL 2094116, at *1 (W.D.N.C. Apr. 30, 2020); United States v. Ismel, No. 3:94-CR-00008-1, 2012 WL 113392, at *1 (W.D. Va. Jan. 13, 2012). Defendant has not shown extraordinary circumstances warranting the appointment of counsel at this time. The Motion (Doc. No. 229) is therefore DEFERRED IN PART and DENIED IN PART.

IT IS SO ORDERED.

Signed: August 20, 2020


1 Frank D. Whitney
 United States District Judge
